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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/540,034 | 06/22/2005 | Ulrich Metz | 081276-1053-00 | 8852 |
| 23409 7590 12/10/2007 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202 | | | EXAMINER IP, SHIK LUEN PAUL | |
| | | | ART UNIT 2837 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,034

Applicant(s)

METZ, ULRICH

Examiner

Paul Ip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/12/2005 complies with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al (6,121,741).

With respect to claim 1, Berger et al show in figure 1 at least two swivel-mounted wiper arms 8 that are connected to one another via a crank mechanism 7, wherein one of the wiper arms 8 is directly coupled with a driven shaft of a gear 6 coupled to an electromotive drive 5. See column 7, lines 38-40.

With respect to claim 2, Berger et al show in figure 1 a uniformly transmitting gear G 6.

With respect to claims 3, 4, 11 and 12 figure 1 shows the motor M 5 of the rotational direction reversal with the dot paths.

With respect to claims 5 and 13, the sensor 2 features a sensory mechanism to detect the end of travel.

With respect to claims 6 and 14, figure 1 shows a speed sensor 9.

With respect to claims 7, 15 and 19, since figures 2 and 3 show the cycle control of the wiper, it is inherent the wiper cycle including the acceleration and deceleration for a reduction in the rotational speed of the drive near the start and the ends of travel of the wiper arms 8.

With respect to claims, 8 and 16, figure 1 shows that at least two wiper arms 8 are coupled via a crank and rocker linkage 7.

With respect to claims 9, 10, 17 and 18, figure 1 shows the wiper arms feature a path of motion in the same direction.

Response to Amendment

5. Applicant's arguments filed on 12/03/2007 have been fully considered but they are not persuasive.

Applicant argues that:

Claim 1 specifies that one of the wiper arms (18) is directly coupled with a driven shaft (16) of an electromotive drive (10). This construction is not suggested by Berger.

Berger teaches (see col. 7, lines 39-41) that both wiper arms 8 are connected to a linkage 7 that is connected to a gear 6 that is driven by a motor 5. The motor 5 and the gear 6 would be considered the electromotive drive, but neither wiper arm is directly coupled with a driven shaft of the electromotive drive. Instead, both wiper arms are connected to the electromotive drive via the linkage 7. Furthermore, there is no suggestion in Berger or any of the other cited references

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to modify the Berger construction to connect one of the wiper arms 8 directly to the gear 6, or to a driven shaft of the gear 6,

In consideration of applicant's argument, applicant's attention is directed to the specification paragraph [00012]. It recites (Emphasis added):

A first wiper arm 18 is connected to **a driven shaft 16** of an electromotive drive 10. This drive 10 includes an electric driving motor 12 and **a uniformly transmitting gear 14** coupled with it, whose driven shaft 16 drives the first wiper arm 18.

Figure 2 shows that one of the wiper arms 18 is connected to a driven shaft 16 of a uniformly transmitting gear 14 coupled to an electric driving motor 12 of an electromotive drive 10.

Whereas, claim 1 recites (Emphasis added):

Drive arrangement of a wiper device for windows of motor vehicles with at least two swivel-mounted wiper arms (18,20) that are connected to one another via a crank mechanism, wherein one of the wiper arms (18) is **directly coupled with a driven shaft (16)** of an electromotive drive (10).

The specification of this application particularly states that a driven shaft 16 of a uniformly transmitting gear 14 is coupled to an electromotive drive 10 as shown in figure 2 of this application.

Berger et al show in figure 1 that one of the wiper arms 8 is connected to a driven shaft of gear 6 coupled to an electric driving motor M 5. Applicant should realize that gear 6 and motor 5 constitutes the electromotive drive 10 as shown in figure 2 of this application. Since gear 6 and motor 5 constitutes as "directly coupled with a driven shaft of an electromotive drive" structure as shown in figure 2 of this application, gear 6

and motor 5 clearly anticipate the limitation of "one of the wiper arm is directly coupled with a driven shaft of an electromotive drive" as recited claim 1.

Applicant argues that the references of the record fail to teach or suggest a direct drive wiper arm as recited in the claims. Applicant's argument is not persuasive. The direct drive wiper system is notorious old in the art. See the list of patents cited in form 892, such as patent/publication numbers 2006/0250100, 2006/0053577, 2006/0021176, 2004/0244136, 2003/0213087, 7,171,718, 6,944,906, 5,504,966, 5,421,055, 5,095,255, 5,090,081, 4,707,641, 4,494,421, 3,973,449, and 3,253,206, are direct drive or directly driven wiper arm connected to an electric motor to constitute as the electromotive drive as recited in the claims.

Claims 1-19 are not patentable over Berger et al and the patent/publication numbers listed in the previous paragraph.

Final Rejection

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Communication Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Paul Ip/ whose telephone number is (571)-272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan, can be reached on (571)-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Internet correspondence **MUST** be provided with a prior written authorization by applicant in the application file record giving the Office authorization to communicate with applicant via e-mail. Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


/Paul Ip/
Primary Examiner
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12/6/2007